



US Army Corps
of Engineers

Construction Bulletin

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Subject: Creation, Maintenance and Disposition of Contract Files

Applicability: GUIDANCE

1. PURPOSE. This Construction Bulletin (CB) describes the procedures to be followed in the maintenance and disposition of construction contract files and records. Recently, a problem has surfaced on completed projects when latent defects were discovered or when a customer requested a construction issue be investigated and the districts were unable to locate the pertinent contract files necessary to investigate the issues. The purpose of this CB is to familiarize construction personnel with the applicable regulations for the maintenance and disposition of contract records and to highlight the systems in place for the retrieval of contract files.

2. RESPONSIBILITIES OF CHIEFS OF CONSTRUCTION AND AREA/ RESIDENT ENGINEERS.

a. Chiefs of Construction at the districts must review their current district procedures to assure that appropriate procedures are followed and an "office of record" is designated for all files and records which are generated in the administration of construction/remediation contracts. Construction personnel who have been assigned the responsibility of maintaining contract files must be familiar with the MARKS and assure strict compliance with its requirements (see paragraphs below). Tracking systems must be in place to determine where the retired contract files are and to determine where the SFs 135 for completed projects are placed. It will be helpful for each district to document who is the office of record for each category of records pertaining to construction contracts in order to easily retrieve the files when necessary.

b. Area and Resident Engineers must be familiar with the MARKS requirements, maintain the official files when designated as "office of record," use proper file numbers, forward official documents to other offices designated as "office of record," keep track of SFs 135 and know where the files are located after completion of projects, and must be able to retrieve the files when necessary.

c. Records management procedures may vary from one district to another due to circumstances such as a district does not have its own RHA or the closeout of field offices. Area and Resident Engineers must contact their local Records Manager

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in order to become familiar with their local procedures for storing and retrieving contract files. Each district has a Record Manager responsible for the district record management program. Record Managers work for the Information Management offices at the districts.

3. GENERAL INFORMATION.

a. AR 25-400-2, the Modern Army Recordkeeping System (MARKS) is the Army regulation that governs the maintenance and disposition of information in the Army. The MARKS provides life cycle management instructions for the systematic identification, maintenance, storage, retirement, and destruction of Army information recorded on any medium (paper, microforms (microfilm, microfiche), electronic, photos, slides, maps, or any other). The Federal Acquisition Regulation (FAR) Subpart 4.8 - Government Contract Files also prescribes requirements for establishing, maintaining, and disposing of contract files for all contractual actions. Contract files in Subpart 4.8 are categorized as contracting office, contract administration office, and paying office contract files. Subpart 4.8 prescribes the contents of contract files and provide examples of the records normally contained in each of these three categories of contract files. The FAR requires agencies to prescribe procedures for the handling, storage, and disposition of contract files. AR 25-400-2 fulfills all the FAR requirements concerning contract files.

b. The MARKS main file categories and file numbers are listed in Appendix B of the regulation. For example, file category 415 is for military construction and 200 is for environmental quality. The MARKS has also established specific file categories for Corps of Engineers activities (other than military). These include file category 1180 for civil works contracts and file category 1110 for Corps of Engineers Engineering and Design. File categories 1180, 415, and 200 are the main file categories used by field offices that manage construction (military and civil works) and environmental-type contracts. File numbers, which are sub-elements under the file categories, identify documents for filing, reference, and legal disposition authority. Each file number provides a description of records to be filed under the file number and provides specific disposition instructions. Offices which create and/or maintain records must list the MARKS file numbers under which records will be kept.

4. CREATION OF FILES AND MAINTENANCE OF FILES.

a. The File Number (FN) is the key to the MARKS. It identifies the records for filing and retrieval. The MARKS has established file numbers under the main file categories. For example, FN 415-10c, under file category 415, is used for files pertaining to military construction contracts. The official contract files or record files will be maintained by the office in charge of administering the contract. Official files may be maintained by other offices when responsibilities for performing specific functions (to which the record relates) are delegated to such offices (such as field offices with ACO and COR authorities). In accordance with the MARKS, each such office will be officially designated as the "office of record" for records related to the assigned functions in order that duplicate files kept by

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other offices can be destroyed. (refer to FAR 4.803 for the content of contract files and examples of the records normally contained in the contract administration office contract file).

b. FN 415-10c is used for files pertaining to military construction contracts. Official files under FN 415-10c, which are maintained by the office(s) of record, will be destroyed six years and three months after final payment except for the plans, specifications, analyses of design, and "as-built" and shop drawings which should be "disposed of by the instructions for Military Construction Project Files," i.e., you must refer to the instructions under FN 210-20b, Military Construction Projects. FN 210-20b requires that "as-built" plans, final approved shop drawings, specifications, etc., be transferred to the using service. FN 210-20b also requires that certain files (inspection reports, completion reports, progress photographs, cement and concrete reports, etc.) be kept either permanently or destroyed 10 years after completion of the project depending on whether the site or property is or is not listed in the National Register of Historical Places.

c. For civil works construction and maintenance contracts, FN 1180-1-1q will be used. Official contract files under FN 1180-1-1q will be destroyed six years and three months after final payment except for the specifications and addenda, original "as-built" drawings, and other documents. These should be included in files described as "Civil Works Project Files," i.e., in FN 1110-2-1150a. Some records under FN 1110-2-1150a should be maintained permanently and others destroyed when no longer needed. Construction personnel must be familiar with these instructions in order to properly file the records and comply with the corresponding retention periods.

d. A HQUSACE request was initiated to add additional file numbers with specific retention periods to the MARKS to cover files generated from the different environmental activities. Until approval is granted from the National Archives and Records Administration, construction personnel must continue to use the MARKS file numbers under file category 200, Environmental Quality. All environmental files must be retained permanently until further notice. (see CEIM-PD memorandum for All USACE Commands, dated 26 July 1991, subject: Interim Policy Guidance Regarding the Retention of Environmental Restoration Records and memorandum dated 17 March 1992, subject: Preservation of Environmental Restoration Records).

5. RECORDS TRANSFER AND RETIREMENT.

a. For most records, the MARKS disposition gives only the generic retention period (that is, destroy after six years, permanent, and so forth). In dispositions like these, you must use Table 7-1 of the MARKS "Disposition Standards" to determine and apply the exact cut off, transfer, retirement, and disposition dates. Table 7-1 requires that records with long retention periods be held for two years in the current files area, then transferred to the Records Holding Area (RHA) where they will remain for a specified period of time until they are transferred to a Federal Records Center (FRC), where they will eventually

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be destroyed or retained permanently. RHAs are storage facilities maintained by USACE districts and FRCs are federal storage centers maintained by the National Archives and Records Administration.

b. The offices which create records will keep them in their area until they receive approval from the RHA to transfer them. Record files will be sent from the office of record to the RHA without consolidation with files from other offices (see instructions under FN 415-10c and FN 1180-1-1q). The SF 135, the transmittal and tracking document for records, is initially prepared by the office which **created the records** being transferred and accompanies the records until they are destroyed or become part of the National Archives. It must describe the records in enough detail to permit quick retrieval of specific records. The SF 135 should be routed through organizational information management channels to the installation Information Management (IM) who operates the RHA. In turn, the RHA is normally the point from which records are retired to an FRC. The RHA uses the SF 135: as a receiving document, as a receipt returned to the **creating office**, as an inventory tool showing where the records are located in the RHA, and to retire the records to an FRC. The originating office, information management officials, RHA manager, and higher headquarters in some cases, will retain copies of the SF 135 during the life cycle of the pertinent records in order to make retrieving them easier.

c. For records transferred to RHAs, the originating office places an original SF 135 and one copy in the first box of a records shipment sent to the RHA, and keeps one copy for its files. The RHA maintains one copy and returns one copy to the originator, with location information entered, as acknowledgment of receipt. The originating office keeps this copy and disposes of the former version. When the files are retired to the FRC, the FRC will provide a copy of the SF 135 showing the accession number to the office which created the records. If the office of origin no longer exists, the copy is sent to the next higher headquarters IM. The RHA will send one copy of each approved SF 135 listing records retired to an FRC to the following address. It will be located in the world-wide locator of Army records holding:

Department of the Army
Freedom of Information and Privacy Act
ATTN.: SAIS-IDP-FP
1725 Jefferson Davis Highway, Suite 201
Arlington, VA 22202-4102

d. The office which created the records being transferred is responsible for organizing, packing, receipting (using SF 135), and sending the records to the RHA. The **creating office** remains the legal custodian of the records even when they are retired to an FRC and will maintain documentation to enable it to retrieve the records. To demonstrate this point, if the creating office receives a Freedom of Information Act request for records which have been transferred or retired, that office is responsible for locating the records and retrieving them for review. Information Management will assist record creating offices in processing their records for transfer and ensuring that this is done correctly. If the office of record is closed and no longer exists, the responsibility for maintaining the

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SFs 135, and locating and retrieving contract files, must be transferred to another office or to the district. Such action must be documented in order to facilitate the retrieval of the contract files when necessary.

6. This CB was coordinated with the following HQUSACE organizations: Office of the Chief Counsel (CECC-C); Office of the Principal Assistant Responsible for Contracting (CEPR-P); Operations, Construction and Readiness Division (CECW-O); Environmental Restoration Division (CEMP-R); and Directorate of Information Management (CEIM-IR).


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